

Joint Oireachtas Committee on Agriculture, Food and the Marine

Wednesday 14th September 2022

Statement by Bill Callanan, Chief Inspector, Department of Agriculture Food and the Marine

Ireland's Nitrates Action Programme and Nitrates Derogation

Thank you for the invitation to speak with the Committee this evening on the topic of Ireland Nitrates Action Programme and Nitrates Derogation. My colleague, Bernard Harris joins me here for this evening's discussion and we hope we can address any questions you may have.

As set out by our colleagues in the Department of Housing, Local Government and Heritage, DAFM works closely with other Departments to ensure a coherent approach to meeting agriculture's commitments to the environmental challenges of climate, air, water and biodiversity. Agriculture has a significant role to play in meeting environmental targets. Existing water protection measures must continue to be implemented and accelerated, but nonetheless new measures will also be necessary. The strong support and work being delivered by farmers to address our environmental issues must be acknowledged.

Ireland's Nitrates Action programme is the key regulatory framework by which farmers support the objectives of the Water Framework Directive (WFD) but it is not the only mechanism to support farmers. Support is available through our Targeted Agricultural Mechanisation Scheme (TAMS) support for infrastructure, actions to support water quality in our Agri-environment schemes, Investment in ASSAP programme as well as research and monitoring for example, through the Agricultural Catchments Programme (ACP).

In supporting the work to improve water quality, both Departments have committed to renew the ASSAP programme which work directly with farmers, industry and advisory services to protect and deliver improvements in water quality. It must be commended Industry have provided additional resources to the programme which sets a clear intention of the ambition to reduce the impact of agriculture on the environment.

From a DAFM perspective, the agricultural sector is committed to stabilising and improving water quality and the review of the Nitrates Action Programme provided a timely opportunity to review the

impact of agriculture on our water environment and support agriculture's ambition to stabilise and improve water quality while seeking as many co-benefits for climate, air and biodiversity as possible.

Specifically, on water quality, our waters are under increasing pressure. The EPA has reported that almost half of our water bodies are not in satisfactory condition. The most significant pressures on water are from excessive nutrients, namely, phosphorous and nitrogen and agricultural activity contributes significantly to those losses.

From a policy perspective and by way of a policy response, Ireland has been a leader in the EU in protecting the environment through a strong regulation that includes both Nitrogen and Phosphorus unlike most other EU Member States. As mentioned earlier, our department is working closely with the Department of Housing, Local Government and Heritage in the delivery of the new NAP and related agri-environmental policy measures. This relationship has built strong relationships to collectively develop a cohesive policy response in delivering and implementing policy on water quality to coincide with the delivery of the Ireland's next River Basin Management Plan. Both Departments are also working closely with the Environmental Protection Agency (EPA) on an ongoing basis in reviewing both water quality monitoring, water quality trends and investigating and understanding the pressures from nutrient, pesticides and sediment losses from agriculture.

The 5th NAP process conducted a broad public consultation and held discussions with key stakeholders including farm organisations and non-governmental organisations. Ireland's 5th NAP contain a number of measures for the protection of the environment to include;

- new requirements for slurry and soiled water storage and management;
- revised livestock excretion rates;
- new controls on chemical fertilisers;
- a chemical fertiliser database;
- green cover on tillage ground;
- new requirements on grazing land management;
- a commitment to review compliance assurance activities by local authorities;
- and enforcement by local authorities.

The Department is also responsible for operating Ireland's derogation., the Commission approved Ireland a derogation in early 2022 and the terms of the decision were presented at a meeting of the EU nitrates committee on the 11th March 2022. Member states voted to approve Ireland a Nitrates Derogation to the 31st December 2025. Ireland Nitrates Derogation was transposed into Irish legislation through Statutory Instrument 393 of 2022 on the 29th July 2022

Additionally, in securing a Nitrates Derogation for Ireland, the Commission introduced additional conditionality to its approval in that, an interim review must be undertaken in mid-2023 to include an assessment of water quality results for a defined period (2021 and 2022). This review will be considered, and the terms of reference will be developed in the due course. It is important always to recognise that the derogation is provided on the basis that it is a derogation from the baseline commitments of 170kg N per Ha but is not a derogation from the objectives of the Water Framework Directive. Key scientific criteria must be present before a derogation can be sought, which from an Irish perspective includes a long growing season, crops with high N demand amongst other criteria and Ireland easily satisfies these conditions.

It should also be recognised however that in the process of securing a derogation, it falls to the Commission to propose a vote of the committee of Member states provided they are satisfied with our action programme. Only 4 countries have sought to avail of this facility at present with a vote on one, the Dutch, imminent.

In implementing the derogation, farmers availing of this facility must do additional actions including a farm nutrient plan, training, using low emission technology etc. It is important also that the long term viability of the derogation is secured through achievement of the requirements to achieve good status water outcomes.

In developing the mid-term review next year and when the assessment is complete, if key criteria following the water quality assessment process are not met, there is a risk the stocking rate equivalent of 250 kg N/ha currently approved under our Nitrates Derogation may reduce to 220 kg N/ha from 2024 onwards in some areas.

In order to guide this assessment and following on from the initial assessment completed as part of the 5th NAP review, Teagasc have been again asked to review and model the impact of potential measures and the impact of reducing the stocking rate limit to 220kgN/ha. This work is to conclude shortly.

In conclusion, Irelands grass based model provides many environmental benefits and our farmers and Industry have structured its development around this. While its acknowledged, more needs to be done to reduce agriculture impact on the environment, a strong regulation provides the bedrock to achieving this. I believe we are on the right path to achieving environmental sustainability while balancing the economic and social aspects.

I thank you for your attention and your time this evening and we will be happy to take any questions from the members.